

Amendment No. 1 to SB1629

Southerland
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1629*

House Bill No. 1330

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-105(5), is amended by deleting the current language in its entirety and by substituting instead the following:

(5) A Class B felony if the value of the property or services obtained is sixty thousand dollars (\$60,000) or more, or if the thief was in a fiduciary relationship with the victim regardless of the value of the property or services obtained.

SECTION 2. Tennessee Code Annotated, Title 48, Chapter 2, is amended by inserting sections 3 and 4 below as a new, appropriately designated part thereto.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Employee" means any individual employed by an employer in this state;

(2) "Employee benefit plan" means any employee welfare benefit plan or employee retirement income plan or any plan which is both an employee welfare benefit plan and an employee pension benefit plan provided by any employer for any employee in this state;

(3) "Employee pension benefit plan" means any plan, fund, or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund, or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the

method of calculating the benefits under the plan or the method of distributing benefits from the plan;

(4) "Employee welfare benefit plan" means any plan, fund or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund, or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training program, or day care centers, scholarship funds, or prepaid legal services, or any other employee benefit other than pensions or retirement income on retirement or death, and insurance to provide such pensions;

(5) "Employer" means any person with a place of business in this state with ninety-nine (99) or fewer employees acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan; and includes a group or association of employers acting for an employer in such capacity;

SECTION 4. The commissioner of commerce and insurance shall develop and implement investor education programs, which will include but not be limited to educational materials and outreach for employers offering disability, retirement and health care plans to their employees, including employee benefit plans, employee welfare benefit plans and employee pension benefit plans.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect on July 1, 2007, the public welfare requiring it.